

REMARKS

Claims 1-54 have been canceled, claims 74-76 and 78 have been amended, and claims 55-78 remain pending in this application.

The Examiner's indication that claims 55-78 are allowable subject to addressing the non-statutory double patenting and § 112 issues is gratefully acknowledged. In view of the above amendments and the following remarks, it is respectfully submitted that these claims are allowable.

Double Patenting

Claims 55-73 stand rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-6, 12-17 and 20-22 of U.S. Patent No. 7,198,201.

The undersigned has submitted herewith an executed Terminal Disclaimer and therefore it is respectfully submitted that this ground for rejection has been obviated.

Claim Rejections -- 35 U.S.C. § 112

Claims 74-78 stand rejected under 35 U.S.C. § 112, second paragraph. In view of the above amendments to these claims, it is respectfully submitted that this ground for rejection has been obviated.

Conclusion

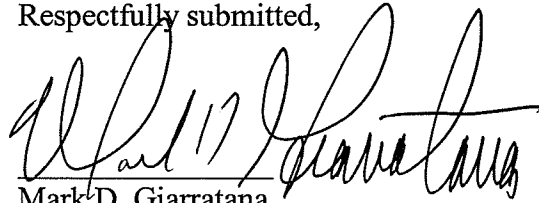
Accordingly, it is respectfully submitted that claims 55-78 are allowable. All issues raised by the Examiner having been addressed, an early action to that effect is earnestly solicited.

If the Examiner has any questions in connection with this paper, or otherwise if it would facilitate the examination of this application, he is respectfully requested to call the undersigned at the telephone number below.

No fee or extension in addition to that submitted herewith is believed to be required; however, if an additional fee or extension is required, please consider this a petition therefor, and authorization is hereby given to charge our deposit account no. 50-3569.

Dated: January 7, 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark D. Giarratana', written over a horizontal line.

Mark D. Giarratana

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